

**U.S. Senate Republican Policy Committee**  
**Larry E. Craig, Chairman    Jade West, Staff Director**

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**From the Congressional Record**

**Senator Kyl Assures Colleagues that  
John Ashcroft Will Uphold the Rule of Law**

*The following excerpts are taken from remarks made on the Senate floor today by Senator Jon Kyl (R-AZ) regarding the nomination of John Ashcroft to be Attorney General of the United States. [Note: these excerpts were taken from the unofficial transcript, and edited for readability.]*

Hopefully, the Judiciary Committee will vote on Attorney General-designate Ashcroft tomorrow. . . . The sooner we can get the President's nominee for Attorney General confirmed, the better for the nation.

Let me summarize three or four things that have been said with regard to John Ashcroft and try to put them in proper context. First, one of my colleagues this morning commented on the floor that there is a new John Ashcroft, basically suggesting they don't know which one to trust. You have the old Ashcroft as a member of the Senate pushing legislation to do this and do that. Now as Attorney General, he says he'll abide by the law. Well, which is it?

The fact of the matter is John Ashcroft has served in different capacities in his life. . . As a member of the Senate, we put ideas forth, sometimes partisan ideas, sometimes philosophical ideas. We debate and mold and amend them. . . That's a different position than the position of a judge or attorney general who must take the law as it is and apply it. . . For the life of me I can't understand why some of my colleagues aren't able to make this distinction. It is an unfair criticism of John Ashcroft that he will not apply the law as is required of the Attorney General simply because as a member of the Senate, he argued for other positions.

There's nothing to suggest that John Ashcroft won't do exactly what he swears he will do when he puts his hand on the Bible and swears to uphold the Constitution and laws. He did that as the Attorney General of the State of Missouri. One should not expect it to change if he is Attorney General of the United States.

Secondly, there's this question of whether he could enforce laws with which he disagrees. First of all, everyone is assuming he disagrees with certain laws that he doesn't disagree with. For example, he supports the so-called "FACE" law [Freedom of Access to Clinic Entrances Act]. He opposes abortion. And so some of his opponents say if he opposes abortion, he therefore must oppose that law and so he probably won't enforce it. This is incorrect. There's nothing inconsistent with opposing what goes on inside that office, but upholding the law that says people have a right to enter. And he has said he would do that.

There is nothing in Senator Ashcroft's record to suggest he would not uphold that law. He supports the law. He says he'll uphold it. So I don't understand why people in effect question his motivation or his commitment to abide by the oath he will take. That bothers me because it suggests that they don't trust John Ashcroft. . . .

There are so many liberal special interest groups that have a reason to oppose John Ashcroft because his views are not the same as theirs that it is prompting our colleagues to say things that are inappropriate. To suggest that John Ashcroft is not a man of integrity and that he won't keep his commitments is quite unfair. This is a fine and decent man.

My colleague, Senator Leahy, the ranking member of the Judiciary Committee, made a very important point this morning with which I agree. He said that the office of Attorney General is a little different than the other cabinet positions in that there is a special kind of responsibility there, that of upholding the rule of law. . . . Certainly he's right, that the office of Attorney General is something special. We expect the Attorney General to care first and foremost about the rule of law in this country and to represent all Americans, as well as the President, in upholding that rule of law.

It seems to me that people who now oppose this nomination would have a lot more credibility in making their case against John Ashcroft if they had demonstrated an equal concern for the rule of law in a whole variety of issues that involved the Clinton Administration for the last eight years. On this issue, many of John Ashcroft's opponents have been relatively silent. Every single one of the Democrats in this body voted against the punishment that the House of Representatives offered with respect to the impeachment of President Clinton. That was all about the rule of law. And as it has transpired, the President has admitted to making knowingly false statements to officers of the court. This is not something which enhances the rule of law. And yet, I heard all manner of excuses about the President's conduct at that time. Nor have we heard much about the rule of law as to the current Attorney General's refusal time after time after time to appoint special counsel or otherwise look into what were clear violations of the law and very questionable conduct with respect to campaign contributions, among other things. Her special counsel recommended the appointment of a special prosecutor to look into this; Louis Freeh, the head of the FBI, recommended the same. Time after time, Attorney General Janet Reno said no.

I think it's important for our Democratic friends to understand that Republicans have been concerned about the rule of law and the politicization of the Department of Justice for a long time. And we're

anxious for an attorney general to go into that office and frankly to clean it up after the politics that have characterized it for the last eight years.

Even the last act of President Clinton in pardoning a whole group of people has drawn very little criticism from some of our friends who are very critical of John Ashcroft and who are now very concerned about the rule of law. . . . If we're going to talk about concern over the rule of law and how John Ashcroft as Attorney General will protect and preserve the rule of law in this country, then I think it behooves us to be consistent and apply this concern equally in the situation of the immediate past Attorney General. . . .

There has never been a more qualified candidate for Attorney General nominated by a President than John Ashcroft. And I doubt that there's ever been a man of greater integrity although I know that many Attorneys General have served with great integrity. . . .

About all it boils down to is there are some people who object to his conservative ideology. The President of the United States has an opportunity here to serve the American people and to follow through on his ideas of how we ought to proceed with public policy-making. The Attorney General will have something to say about that, but mostly, as Senator Leahy said today, the Attorney General's job is to administer the law. On that, there is no question where the president stands and there is no question where John Ashcroft stands.

I urge my colleagues to think very carefully how a "no" vote on John Ashcroft would look perhaps two years from now, five years from now, ten years from now. Will it look like a good call or will it look petty? Will it look like an act of statesmanship or will it look like an act of partisanship?

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